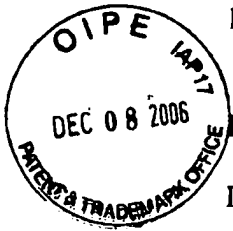


1454.



Enz-52(D2)(C)(D1).

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Engelhardt

Serial No.: 10/713,183

Filed: November 14, 2003

For: *In vitro* Process for Producing Multiple Nucleic Acid Copies

Confirmation No. 9721

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO CLAIM BENEFIT UNDER 35 USC 120, 121, OR 365(C) OF A
PRIOR COPENDING NONPROVISIONAL APPLICATION OR
INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES OF
AMERICA (37 C.F.R. 1.78(A))**

1. Applicant hereby petitions, in accordance with §1.78(a)(3) to claim the benefit, for this application under 35 USC 120 of prior copending nonprovisional application no. 10/260,031, filed June 6, 2003. Application serial no. 10/260,031 claims benefit under 35 USC 120 of application serial no. 09/302,817, filed February 3, 1998. Application serial no. 09/302,817 claims benefit of application serial no. 08/182,621, filed on January 13, 1994.
2. Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(2)(ii) of 37 CFR §1.78 and the date of this claim is filed was unintentional.

Adjustment date: 01/23/2008 CKHLOK
12/08/2006 CNEGA1 00000045 051135 10713183
02 FC:1454 1370.00 CR

12/08/2006 CNEGA1 00000045 051135 10713183
02 FC:1454 1370.00 DA

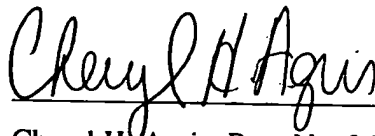
3. The surcharge fee set forth in §1.17(t) required by 37 CFR 1.55(c)(1) is paid as follows. Authorization is hereby made to charge the amount of \$1,370.00 to deposit account no. 05-1135 for the petition fee and any extra fees that may be required.

A duplicate of this sheet is enclosed.

Respectfully submitted,

Date:

12/4/06

A handwritten signature in cursive script, reading "Cheryl H. Agris", written over a horizontal line.

Cheryl H. Agris, Reg. No. 34,086

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: 01/09/08		2 Serial/Patent # 10/713183									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
X	Petition	1	12/08/06	\$ 1,370.00							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ 1,370.00							
		8 TO BE REFUNDED BY:									
10 REASON:		Treasury Check									
	Overpayment	X	Credit Deposit A/C #:								
	Duplicate Payment	9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px;">0</td> <td style="width: 20px;">5</td> <td style="width: 20px;">--</td> <td style="width: 20px;">1</td> <td style="width: 20px;">1</td> <td style="width: 20px;">3</td> <td style="width: 20px;">5</td> </tr> </table>			0	5	--	1	1	3	5
0	5	--	1	1	3	5					
X	No Fee Due (Explanation):										
Petition dismissed as moot											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: Kenya A. McLaughlin		TITLE: Petitions Attorney									
SIGNATURE: /kenyamclaughlin/		PHONE: 571-272-3222									
OFFICE: Office of Petitions											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED:		DATE: 1/23/08									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: